

**REMARKS**

Applicants respectfully request reconsideration of the present application in view of the reasons that follow. Claims 1-24 remain pending in this application.

**Claim Rejections under 37 U.S.C. § 102(e)**

Claims 1-24 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,062,294 (“Rogard”). In response, Applicants traverse the rejection for at least the reasons set forth below.

Applicants rely on M.P.E.P. § 2131, entitled “Anticipation – Application of 35 U.S.C. § 102(a), (b) and (e)” which states, “a claim is anticipated only if each and every element set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”

Applicants respectfully submit that Rogard does not describe each and every element of the claims.

Independent claim 1 is directed to a “radio cell station apparatus to which a plurality of personal stations can establish space division multiple access” comprising in addition to other elements “a multiplexed connection number detection unit for detecting a number of multiplexed connections of the personal stations establishing space division multiple access during communication; and a reference signal allocation unit for: switching the reference signals that have been allocated to the personal stations establishing space division multiple access respectively prior to a change in the number of multiplexed connections to reference signals for maintaining communication quality even after the number of multiplexed connections is changed, and allocating the switched reference signals to said plurality of personal stations respectively, when the change in the number of multiplexed connections is detected during communication in said multiplexed connection number detection unit.” (emphasis added). Independent claims 4, 7, 10, 13 and 16 recite similar limitations.

In contrast, Rogard does not disclose, teach or suggest each and every element recited in independent claims 1, 4, 7, 10, 13 and 16.

The Office Action alleges that Rogard teaches a base station with various mechanisms to determine a downlink smart antenna processing strategy defined in this case by downlink weighting parameters, hence, information as to multiplexed connections of devices establishing communication has to be known by the base station. *See* Rogard Abstract, Col. 6 lines 34-55. The Office Action asserts that the downlink weighting parameters in Rogard correspond to “a number of multiplexed connections of the personal stations establishing the space division multiple access to the radio cell station apparatus” recited in claim 1. Furthermore, the Office Action asserts that the acknowledge signal recited in Fig. 3A-3E of Rogard corresponds to the claimed “reference signal” recited in claim 1.

Assuming *arguendo* that the Examiner’s arguments are adequate, Rogard should switch the acknowledge signals when the change in the downlink parameters is detected. Instead, Rogard discloses that the acknowledge signal includes some training data and some identification information to distinguish signals from its own associated user terminals from signals from user terminals of the other base station. *See* Rogard, col. 19 lines 29-42. Rogard is silent concerning switching the acknowledge signals when the change in the downlink parameters is detected. Furthermore, with reference to col. 6 lines 4-55 of Rogard, Rogard teaches that a downlink smart antenna processing strategy is defined by the downlink weighting parameters determined from the uplink weighting parameters. However, Rogard neither discloses nor suggests switching the acknowledge signals when the change in the downlink parameters is detected.

In sum, Rogard discloses a downlink smart antenna processing strategy defined by a set of downlink weighting parameters that includes temporal processing parameters for signals to be transmitted by each of the antenna elements (Rogard et al. col. 6 lines 26-31). In Rogard, the downlink weighting parameters are changed according to an uplink data signal from remote units. Consequently, the downlink parameters recited in Rogard are changed in response to spatial positions of the remote units and have no relation with a change of the number of multiplexed connections of the remote units. Thus, Rogard fails to disclose, teach or suggest “switching the reference signals that have been allocated to the personal stations establishing space division multiple access respectively prior to a change in the number of multiplexed connections to reference signals for maintaining communication quality even

after the number of multiplexed connections is changed, and allocating the switched reference signals to said plurality of personal stations respectively, when the change in the number of multiplexed connections is detected during communication in said multiplexed connection number detection unit” as claimed.

M.P.E.P. § 2131 states that “[t]he identical invention must be shown in as complete detail as is contained in the...claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *See In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Here, Rogard fails to disclose each and every limitation in as complete detail as is contained in independent claims 1, 4, 7, 10, 13 and 16.

Accordingly, Applicants respectfully request that the rejection be withdrawn and independent claims 1, 4, 7, 10, 13 and 16 be allowed. Further, claims 2, 3, 5, 6, 8, 9, 11, 12, 14, 15 and 17-24 depend from one of claims 1, 4, 7, 10, 13 or 16 and should be allowed for at least the reasons set forth above without regard to further patentable limitations contained therein.

If this rejection of the claims is maintained, the examiner is respectfully requested to point out where the above-mentioned features are disclosed in Rogard.

### Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect

information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date

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